

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ARWA CHIROPRACTIC, P.C., <i>etc.</i> ,	)	
	)	
Plaintiff,	)	
	)	Case No. 14-cv-05602
v.	)	
	)	Judge John Z. Lee
MED-CARE DIABETIC & MEDICAL	)	
SUPPLIES, INC. and STEVEN	)	
SILVERMAN, D.C.,	)	
	)	
Defendants.		

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AS TO  
DEFENDANT MED-CARE DIABETIC & MEDICAL SUPPLIES INC.**

Plaintiff Arwa Chiropractic, P.C., by and through appointed class counsel, hereby moves under Fed. R. Civ. P. 55(a) for entry of default against Defendant Med-Care Diabetic & Medical Supplies, Inc. ("Med-Care"). In support of this motion, Plaintiff submits the attached declaration, and states as follows:

1. On July 22, 2014, Plaintiff filed its class action complaint ("complaint") herein. ECF 1.
2. On July 23, 2014, the complaint and summons were duly served on Med-Care and defendant Steven Silverman, D.C. ECF 8, 9.
3. On September 8, 2014, counsel appeared for both defendants. ECF 12. Subsequently, on April 23, 2015, defendants moved to substitute counsel, and that motion was granted on April 28, 2015. ECF 31, 33. On April 28, 2015, James K. Schulz and Daniel W. Pisani appeared for defendants. ECF 34, 35. On January 7, 2016, Bryan C. Shartle also appeared for defendants. ECF 63.

4. On September 29, 2017, the court granted Plaintiff's amended motion for class certification. ECF 113,

5. On October 4, 2017, defense counsel filed a motion seeking leave to withdraw as counsel for both defendants. ECF 114.

6. Subsequently, on November 7, 2017, defense counsel advised the court that they would continue to represent Silverman, but not Med-Care. ECF 119. Counsel for the parties also advised the court that Med-Care has commenced a proceeding in Florida state court for assignment for the benefit of creditors. ECF 119.

7. The court granted counsel leave to withdraw as counsel of record as to Med-Care. ECF 119. The court ordered: "If Medicare [sic] wants to continue defending this action, an attorney should appear on behalf of Med-Care Diabetic no later than 12/8/17. Mr. Silverman's counsel should provide a copy of this order to the assignee for Med-Care." ECF 119.

8. On November 7, 2017, the court approved Plaintiff's notice plan and set January 5, 2018 as the last date for any class members to exclude themselves from the class.

9. As of this date, no attorney has appeared on behalf of Med-Care.

10. Under Fed. R. Civ. P. 55(a), "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

11. Med-Care has failed to defend this lawsuit and therefore its default should be entered by the clerk.

**CONCLUSION**

For the foregoing reasons, this motion should be granted and default should be entered against defendant Med-Care.

Dated: January 12, 2018

Respectfully submitted,

s/ Phillip A. Bock

One of the Attorneys for Plaintiff

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